

### **AMENDMENTS TO THE DRAWINGS**

Attached hereto in an Appendix is one (1) sheet of drawings to replace the drawing sheets originally filed in this application. This sheets, which includes FIG. 12, replace the original sheets that also include FIG. 12.

## REMARKS

1. In response to the Office Action mailed May 27, 2008, Applicants respectfully request reconsideration.
2. Based upon the above Amendment and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### *Art of Record*

3. Applicants acknowledge receipt of form PTO-892 listing additional references identified by the Examiner.

### *Drawing Objections*

4. Figure 12 of the drawings are objected to in the Office Action as failing to comply with 37 CFR 1.84(p)(4) because reference character "9" has been used to designate both contact zones in Figure 12 and 9a and 9b are not shown. Applicants have amended Figure 12 to accommodate this objection. Specifically, reference numbers 9a, 9b, 9c, and 9d have been added to Figure 12, thus making them consistent with the other figures including Figures 15A-15D. (See, FIGS. 12 and 15A-15D.) Applicants request reconsideration of this objection and request that it be withdrawn.

### *Claim Objections*

5. Claims 1 and 15 are objected to as containing informalities. Specifically, the Office Action states that "at least one pair of front and rear contact zones" and "contact zones" are claimed several times but that it is "unclear if there are two separate sets of these zones or if they are the same." (See, Office Action, pg. 2, ¶2.) Also, in the same section, the Office Action further states that "the collars" and "the collateral joints" lack antecedent basis. Applicants have amended the claims to accommodate these objections. Specifically, independent claim 1 has been amended to recite, in part, "a plurality of mutually interacting pairs of contact elements [comprising:] at least one pair of front contact zones... and at least one pair of rear contact

zones.” (See, Applicants’ independent claim 1, as amended, above.) Furthermore, dependent claim 15 has been amended above to recite, in part, “at least the rear contact zones on the interacting joints.” (See, Applicants’ claim 15, as amended, above.) Finally, the claims have been presently amended to remove reference to “the collars” and “the collateral joints”. Therefore, Applicants respectfully request that the objections be reconsidered and that they be withdrawn.

#### ***Claim Amendments***

6. Applicants submit that the above Amendments are made for purposes of clarification.

#### ***Claim Rejection under §102***

7. Claims 1, 2, 9, 10 and 12-15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,919,792 to Hahn, *et al.* (hereinafter, “Hahn”). The claims are not anticipated by Hahn and Applicants request reconsideration.

8. Hahn is directed to an excavating tooth assembly having a socket member 15 and a tooth member 16. (See, Hahn, FIGS. 3, 4.) As shown in FIG. 4, socket member 15 is “weldably secured to the bucket 10 and... slidably receives a tooth member [16].” (See, Hahn, col. 3, ll. 3-6.) The “tooth member 16 is secured within the socket member 15 by a rear nut and bolt assembly generally designated 17.” (See, Hahn, col. 3, ll. 7-8; FIG. 6.) Regarding this nut and bolt securing of the tooth member 16 to the socket member 15, Hahn states, “this is not a tension fit, it only being necessary to prevent loss of assembly through gravity or other negative thrust.” (See, Hahn, col. 3, ll. 10-12.)

9. Applicants’ independent claim 1 now recites, in part, “a holder part... comprising a holder beak; and a replacement part... configured to grip the holder beak such that said holder beak is at least partially *fitted*, along a line of symmetry extending longitudinally through the holder beak, *into said replacement part... fixed therein by means of a locking mechanism inserted through both the holder part and the replacement part perpendicularly with respect to the line of symmetry.*” (See, Applicants’ claim 1, as amended above; emphasis added.) The tooth member 16 of Hahn is inserted into the socket member 15, rather than it being inserted “into said

replacement part” as in Applicants’ claimed invention. Furthermore, the locking mechanism of Hahn, which mitigates for gravity or a pulling (negative thrust) force, is parallel to the longitudinal axis through the tooth member 16 and socket member 15 of Hahn, and not “inserted... perpendicularly with respect to the [longitudinally extending] line of symmetry” as in Applicants’ claimed invention. Therefore, Applicants respectfully assert that for at least the reasons stated above, independent claim 1, as amended above, is not anticipated by Hahn.

10. Furthermore, regarding claim 2, the Office Action states that “Hahn shows the locking mechanism” and that Hahn describes the various features of Applicants’ locking mechanism. (See, Office Action, pg. 4, bottom.) Although the Office Action recites the various features recited in at least Applicants’ dependent claim 2, the Office Action completely fails to direct Applicants to any portion of Hahn where the numerous claimed features are alleged to be found. Applicants note that Hahn only describes the opening 19 shown in FIG. 6 as follows: “the tooth member 16 does not itself provide the digging edge but receives a tip or point 18 which is fastened to the tooth member 16 by a *pin lock*.” (See, Hahn, col. 3, ll. 14-16.) This being the only reference to the opening 19 shown in FIG. 6 of Hahn which is said to receive a “pin lock” (not shown or further described in Hahn), contrary to the allegation in the Office Action, Hahn does not anticipate Applicants’ claim 2 which recites, in part, “*at least one locking device, comprising at least a first, a second and a third section wherein the first section is configured to have the widest cross section and the third section is configured to have the smallest cross section* among the first, second and third sections, configured to be placed through interacting openings disposed within both the holder part and the replacement part.” (See, Applicants’ amended claim 2, above; emphasis added.) For at least this reason, Applicants respectfully request that this rejection be reconsidered and that it be withdrawn.

### ***Dependent Claims***

11. The dependent claims, including claims 3-8, incorporate all the subject matter of their respective independent claims and add additional subject matter which makes them independently patentable over the art of record. Accordingly, Applicants respectfully assert that the dependent claims are also allowable over the art of record.

***Conclusion***

12. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.
13. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application, cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicant reserves the right to pursue such claims in a continuation or divisional application.
14. In the event that the Examiner believes that an interview would serve to advance the prosecution of this application, the undersigned is available at the number noted below.
15. Please charge any fees due with this response to our Deposit Account No. 22-0185, under Order No. 20459-00395-US1 from which the undersigned is authorized to draw.

Dated: August 26, 2008

Respectfully submitted,

Electronic signature: /Burton A. Amernick/  
Burton A. Amernick  
Registration No.: 24,852  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicant

#80466v3